

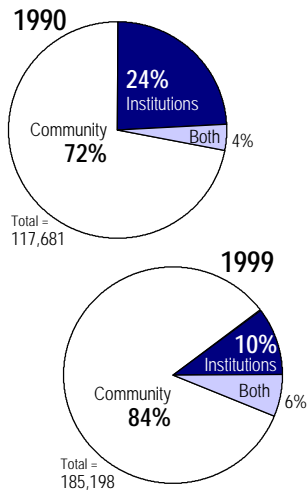
Implementing the "Olmstead" Decision

UPDATED February 15, 2001

A Trend Toward Community Placement

1990 Compared to 1999 *

Aging & Adult Services Administration
Mental Health Division
Division of Developmental Disabilities

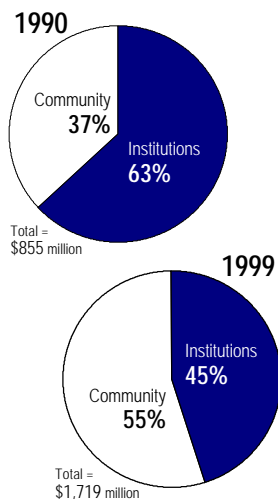


*Updated FY 1990 client data

Community vs. Institutional Dollars

1990 Compared to 1999

Aging & Adult Services Administration
Mental Health Division
Division of Developmental Disabilities



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OLMSTEAD REFERS TO A LAWSUIT brought against the state of Georgia by two people in a state psychiatric hospital who were approved for community placement but faced long waiting lists. The suit challenged their being placed in an institutional setting rather than in community-based treatment programs. The claims of the plaintiffs were upheld in lower courts and the state of Georgia ultimately appealed to the U.S. Supreme Court.

The Supreme Court Decision

The U.S. Supreme Court ruled in June 1999 that states are required under Title II of the American Disabilities Act to make reasonable modifications to place persons with disabilities in community settings, instead of institutions, when:

- The state's treatment professionals have determined that a community placement is appropriate;
- The affected individual does not oppose the transfer from an institution to a less restrictive setting; and
- The placement can be reasonably accommodated, taking into account the resources available to the state and the needs of other persons with disabilities.

The court further ruled that reasonable modifications would be met if, for example, the state had a comprehensive and effectively working plan for placing people with disabilities in less restrictive settings, and a waiting list that moved at a reasonable pace not controlled by endeavors to keep institutions fully populated.

Governor's OLMSTEAD Proposals

(DOLLARS IN THOUSANDS)

| Program | Recommendations | GF-S | Other | 2001-03 TOTAL |
|---------------------------|---|----------------|----------------|-----------------|
| Children's Administration | Expansion of Behavior Rehabilitation Services | 1,095 | 405 | 1,500 |
| Developmentally Disabled | Expand Community Residential | \$5,526 | \$5,029 | \$10,555 |
| Mental Health | Cross-System Clients | 569 | 480 | 1,049 |
| 2001-03 TOTAL | | \$7,190 | \$5,914 | \$13,104 |

Governor's Proposal's to Enhance Community Placements

Consistent with the Olmstead Decision (DOLLARS IN THOUSANDS)

| Program | Recommendations | GF-S | Other | 2001-03 TOTAL |
|---------------------------|--|-------------------|------------------|-------------------|
| Aging & Adult Services | Expand Residential Services COPES for Medically Needy | 7,758 (559) | 7,881 (581) | 15,639 (1,140) |
| Alcohol & Substance Abuse | Expand Community Services Increase CDIT Beds | 6,134 3,232 | 235 0 | 6,369 3,232 |
| Developmentally Disabled | Consolidate RHC Cottages | (\$3,274) | (\$3,323) | (\$6,597) |
| Mental Health | Downsize State Hospitals | (26,367) | (8,376) | (34,743) |
| 2001-03 TOTAL | | (\$13,076) | (\$4,164) | (\$17,240) |

*Governor Locke
designated the
Department of Social
and Health Services as
the lead agency for
Olmstead planning in
Washington State*

DSHS Response

Although Olmstead is a recent court ruling, the Department of Social and Health Services (DSHS) has been placing a priority on community placement since 1990. This 10-year emphasis on community placement gives Washington State a lead in meeting the requirements of the Olmstead decision.

- Governor Locke designated the Department of Social and Health Services as the lead agency for Olmstead planning in Washington State.
- The DSHS Assistant Secretaries serve as the Olmstead Steering Committee.
- A DSHS Workgroup, consisting of representatives from Mental Health, Aging and Adult Services, Developmental Disabilities, Children's Administration, Alcohol and Substance Abuse and Vocational Rehabilitation, develops proposals for actions necessary to implement Olmstead.
- The Department of Transportation and the Department of Community, Trade and Economic Development designated representatives to work with DSHS to coordinate services that are necessary for the disabled individuals currently served in institutions to live successfully in the community.
- The Disabilities Initiatives Advisory Committee serves as the primary conduit for stakeholder input in the planning process. In addition, DSHS representatives are using public forums to meet with stakeholders.
- Disability advocacy groups have an active interest in planning.
- DSHS has briefed the Office of Financial Management and legislative staff on planning activities and budget requests.

Olmstead Workgroup Initial Recommendations

Initial recommendations center on creating capacity for residential care and community support. Analysis will continue as part of longer range planning.

- Increase the capacity for residential placements out of institutions for the developmentally disabled.
- Provide funding for RSNs to coordinate with other systems to address the specialized needs of mental health clients who are involved in other systems.
- Increase the capacity of Behavior Rehabilitation Services for intensive treatment for children.
- Establish an Eastern Washington facility for chemical dependency involuntary treatment (CDIT).
- Establish a medically needy option for the COPES program.

Related Information

- The Health Care Financing Administration issued planning guidelines in January 2000.
- Numerous related lawsuits have been initiated across the nation. Washington State currently has two 'Olmstead' class action lawsuits.
- Interest in Olmstead planning is high among advocates. Most are contacting governors, legislators, and state agency employees to find out what the states are doing about Olmstead.

Persons with disabilities or special needs may call the Budget Information Line at 360.902.8255 and request a hard copy.

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